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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,001	03/14/2001	John Ronald Hughes	8380/PRGA 0103 PUSP	4576
27752	7590	09/30/2008	EXAMINER	
THE PROCTER & GAMBLE COMPANY			NGUYEN, TAN D	
Global Legal Department - IP			ART UNIT	PAPER NUMBER
Sycamore Building - 4th Floor				3689
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CINCINNATI, OH 45202				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/808,001	HUGHES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tan Dean D. Nguyen	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 July 2008.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 and 76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 and 76 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/08 has been entered.

### ***Claim Status***

Claims 1-14 (method) and 76 (computer-readable medium) are pending and rejected as followed.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-14 are rejected under 35 U.S.C. 101 because in order for a method to be considered a "process" under §101, a claimed process must either:

- (1) be tied to another statutory class (such as a particular apparatus) or
- (2) transform underlying subject matter (such as an article or materials). See

*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements

is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

With respect to claims 1-14, the claim language does not include the required (1) tie or (2) transformation, and thus is directed to nonstatutory subject matter. Insertion of the use of another statutory class (i.e. a computer) such as “computer-implemented” or “using a computer” features in the preamble and the body of the claims would overcome the rejections.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**2. Claims 1-14, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of GRAINGER and PARKS.**

As of 7/16/08, independent method claim 1 is as followed:

1. (Currently amended) A method of developing a technical standard in the process of product development comprising:
  - (a) generating a draft technical standard;
  - (b) electronically circulating a document with the draft technical standard to a review group;
  - (c) automatically attaching review group comments to the draft technical standard;
  - (d) electronically locking a document with the draft technical standard to provide a locked document, wherein locking said document prevents changes to be made to the draft technical standard unless the document is unlocked and wherein limited access is provided to unlock the document, whereby locking the document can prevent uncoordinated changes to the document:

- (e) electronically circulating the locked document with the draft technical standard to an approval group, the approval group members having access to the review group comments;
- (f) collecting electronic approvals from each member of the approval group;
- (g) rendering the locked document with the draft technical standard unchangeable once each member of the approval group has electronically approved of the draft technical standard; and
- (h) releasing the document with the rendered technical standard for electronic access.

Note: In claim 1, step (d), the amended phrase “to provide a locked document ...., to be made ....to unlock... can prevent...document” is not a positively recited method step but, rather, is merely inherent function of the locked document with the draft technical standard and thus having no patentable weight. See MPEP 2173.05 (q), 2106, and 2111.04, which indicate that a method claim requires active, positive steps. Moreover, the phrase is also considered as non-functional descriptive material (NFDM) on the locked document, thus having no patentable weight.

See MPEP 2106.01 “Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of

Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

**As for independent method<sup>1</sup> claim 1, AAPA**, as shown on pages 1-2 of the specification, “Background Art”, fairly discloses a method of developing a technical standard in the process of product development comprising:

(a) generating a draft technical standard (specifications);  
(b) electronically circulating the draft technical standard (specifications) to a review group.

{see page 1, “Background Art”, lines 16-17 “...*Typically, the standard is then circulated for review and comments...*”}

(c) electronically attaching comments (information) to the draft technical standard (specification) from the reviewing group;  
(e) electronically circulating the standard (specifications);  
{see page 2, lines 3-7 “...electronic distribution and approval status tracking are all available...”}  
(f) collecting electronic approvals from each member of the approval group, and  
(h) releasing the rendered technical standard (specifications) for electronic access.

Note that step (b) is well known and conventional as admitted in the Background of the invention on page 1. Similarly, step (e) is also well known and conventional as

these approval requests are distributed (or circulated) through various managers of different places for approval.

AAPA teaches the claimed invention except for: (1) carrying step (c ) automatically, (2) step (d), and (3) step (g).

In another similar process for electronic workflow processing using the Internet including automatically managing electronic documents related to application such as reviewing a draft application by generating the draft application, circulating the draft for reviewing and editing, adding comments to the draft, editing the draft, and coordinating, tracking, and approving the draft document, [see 0015, 0016, 0026-0039], **GRAINGER** discloses the use of Internet or web pages for global access for circulation of draft document for review and comment comprising carrying out steps of (a) -(c) automatically and electronically locking the document at the end of the process so they cannot be subsequently altered {see [0027-0032, 0070, especially 0129]}. GRAINGER also teaches the step of (c.) attaching the comments, messages, attachments, etc. to the electronic document (web page) {see 0096, 0129, Fig. 26, 252}. It would have been obvious to modify the teachings of AAPA by converting the manual and sporadic electronic workflow processing to automatic workflow pipeline with every step in the process to be executed from a computer desktop, slashing administrative costs and processing time for completing the project {see GRAINGER [0027]}.

The teachings of AAPA /GRAINGER fails to teach:

2) step (d) of electronically locking the standard (specifications) after step (c.);  
and

(g) rendering the technical standard (specification) unchangeable once each member of the approval group has electronically approved.

3. In another similar process for processing electronic documents with respect to development of an information/ideas such as news story information, **PARKS** discloses several document monitoring features such as (d) electronically locking the document with information (news story) for the purpose of restricting access to the document to only authorized user, and (g) rendering the document unchangeable (or "read-only" or "RO") to inherently preventing modification or editing of the document {see PARKS Fig. 3B (323 "LOCKED"), FORM (341), "RO" (344), col. 9, line 63 to col. 10, lines 1-5, col. 11, lines 29-34. Since it's well known in the document management or project management that a few number of people approve the draft documentation after it has been reviewed, it would have been obvious to a skilled artisan to modify the teachings of (a)-(c.) of AAPA/GRAINGER by carrying out step (d) as taught by PARKS for the purpose of restricting the access of the review document to a certain critical group of selected people, for example, approval group. Note that the selection of certain group for access is well known parameters in managing electronic document and would have been obvious to a skilled artisan to select the desired circulation group. Also, it would have been obvious to modify the teachings of AAPA by including step (g) as taught by PARKS to render the electronic document unchangeable once it has been approved or final document has been reviewed for access. As for the new amended limitation, this is inherently included (or appears to be included) in the method of Applicant Admitted Prior Art (AAPA) in view of GRAINGER and PARKS.

**As for dep. claim 2** (part of 1), which deals with draft generating parameters, i.e. text-based document being captured electronically, this is taught in AAPA page 2, 1<sup>st</sup> paragraph, see “computer automation ...., document development, electronic distribution”. Moreover, this is also taught in GRAINGER [0048, 0027] or PARKS Figs. 2A or 2B.

**As for dep. claim 3** (part of 1), which deals with draft generating parameters, i.e. searching it using other data-structured attributes, this is fairly taught in AAPA, page 1, lines 14-15 wherein “this draft is created by modifying an existing standard” which normally requires or inherently includes some searching using similar data attributes. Moreover, this is non-essential to the scope of the claimed invention which deals with reviewing and approving the draft electronically, and is fairly taught in GRAINGER [0071] or PARKS Figs. 3B, 3C.

**As for dep. claim 4** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. tracking status of reviewing and approval, this is fairly taught in GRAINGER in [0010, 0052, 0067, 69] and in view of AAPA/GRAINGER. The selection of other desired or similar variables for tracking is within the skill of the artisan.

**As for dep. claim 5** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. electronically notifying specified user upon approval, this is fairly taught in AAPA page 1, lines 16-17, page 2, lines 3-4, or GRAINGER on [0038, 0096, 0130].

**As for dep. claim 6** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. storing the standard in a globally accessible database, this is taught in GRAINGER on Fig. 2, 100, 101, 102, 106 (database).

**As for dep. claims 7-9** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. limiting access of the standard based on user authorization and approval, these are fairly taught in GRAINGER on [0061, 0129, 0142].

**As for dep. claim 10** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. modifying, incrementing new version, circulating, etc., these are fairly taught in GRAINGER on [0129-0130 “new version”].

**As for dep. claim 11** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. translating the standard to proper language for reviewing and communication, is non-essential to the scope of the claimed invention which deals with reviewing and approving the draft electronically and would have been obvious to a skilled artisan as routine works to convert the language of the draft to appropriate language for reviewing and approving by the groups.

**As for dep. claim 12** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. attaching additional reviewing and commenting information in the form of documentations or other, this is fairly taught by GRAINGER on Fig. 6, 254, 256, or [0061].

**As for dep. claim 13** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. printing the approved document with watermark including the printing date, this is non-essential to the scope of the claimed invention which deals with

reviewing and approving the draft electronically, and is fairly taught by AAPA on page 1, lines 15-17. Moreover, it would have been obvious to a skilled artisan to do so if printed document or paper with effective date of approved is desired.

**As for dep. claim 14** (part of 1), which deals with well known draft reviewing and approving parameters, i.e. storing the approved document, this is fairly taught by GRAINGER on Fig. 2, 100, or [0042, 0130].

**As for independent apparatus<sup>1</sup> claim 15**, which is the apparatus to carry out the scope of method claim 1 above, it's rejected over the elements to carry out the method steps of claim 1 as cited above or over the same rejections using AAPA in view of GRAINGER as cited in claim 1 above.

**As for dep. claim 16** (part of 15), which deals with draft generating parameters, i.e. by copying existing/approved standard, this is taught in AAPA/GRAINGER in view of the teaching of AAPA on page 1, lines 15 "may be created or formed by modifying an existing standard" which normally requires a copying step followed by modifying step. The setting up of sufficient database and module to carry out these steps are within the skilled artisan and would have been obvious.

**As for dep. claims 17-26** (part of 15), which have the same limitations as in dep. claims 2, 3, 5, 7, 8, 9, 10, 11, 12 and 13 respectively, they are rejected for the same reasons set forth in dep. claims 2, 3, 5, 7, 8, 9, 10, 11, 12 and 13 above.

**As for independent product<sup>1</sup> claim 76**, which is the computer-readable media having computer-readable instructions for performing the method of claim 1 above, it's

rejected over the computer-readable media of AAPA in view of GRAINGER for performing the method as cited in claim 1 above.

**4. Claims 1-14, and 76 are rejected (2<sup>nd</sup>) under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of GRAINGER, PARKS and JEFFERY et al.**

**As for independent method<sup>1</sup> claim 1**, the teachings of AAPA / GRAINGER /PARKS are cited above.

In a similar electronic workflow pipeline or electronic document management system, JEFFERY et al is cited to teach the automatic attachment of comment/attachment to a draft document, “document & attachments”, for further communication and “EDIT” function in the heading region to allow editing capabilities to alter information in the document {see col. 13, lines 47-67, col. 14, lines 1-7, Fig. 26}. It would have been obvious to modify the teachings of AAPA /GRAINGER /PARKS by including feature for attaching comment to the document as taught by JEFFERY et al above for further communication or allowing editing capabilities.

As for claims 2-14, and 76, they are rejected for the same reasons set forth above and further in view of JEFFERY et al as cited in claim 1 above.

***Response to Arguments***

5. Applicant's arguments filed 7/16/08 have been fully considered but they are not persuasive in view of the new rejections and presentations.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US Patent 5,315,504 with the title “Electronic document approval system”.

Note the term “document” is used.

2) US Patent 5,040,142 with the title “Method of editing and circulating an electronic draft document amongst retrieving persons at remote terminals attached to a local area network”. Note again the term “draft document” is used not just “draft technical standard” as in the claimed invention.

No claims are allowed.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see [http://pair-direct@uspto.gov](mailto:pair-direct@uspto.gov). Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov) .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham may be reached at (571) 272-6805. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/  
Primary Examiner, Art Unit 3689